

REMARKS

By the above actions, claim has been amended and claims 21-24 & 41-43 cancelled. In view of these actions and the following remarks, reconsideration of this application is requested. Entry of this amendment is in order since reduces the number of claims presented for the Examiner's consideration and eliminates the formal grounds for objection and rejection.

Claim 1 was objected to due to the failure to underline certain added material. However, since language has now been deleted from the claim, this objection has been rendered moot. Likewise, with regard to the objection to claims 29 & 32 for failing to further limit claim 1 from which they were dependent, since the subject matter of these claims has been deleted from claim 1, this objection has also been rendered moot. Therefore, the objections to the claims should now be withdrawn and such action is hereby requested.

Claims 31, 34, 35, & 37 were rejected under 35 USC § 112. However, since the recitation of a spring has been deleted from claim 1, this rejection has also been rendered moot and should be withdrawn.

19-38 and 43 have been rejected under 35 USC § 103 as being unpatentable over the Foster, Yang and Martin patents, while claim 39 has been rejected over these patents when viewed in further combination with the Callahan patent and claim 40 when viewed in further combination with the Balogh patent. The rejection of claims 41 & 42 has been rendered moot by the cancellation of these claims. To the extent that these rejections relate to the claims as now presented, it is inappropriate for the following reasons.

First, it is noted that claim 1 has been amended to incorporate subject matter previously found in now-cancelled claims 21-23 and discontinuous projection feature described on page 5 in paragraph [0028]. By making the projections discontinuously surround the entire periphery they are not as rigid and inflexible as a continuous ring and thus it is easier to engage the sleeves one within another during assembly, or if necessary, to disengage them for cleaning or repair purposes.

As noted by the Examiner, the dispenser of the Foster patent has no means to interlock his sleeves 92', 98 and there are only two sleeves not three. Furthermore, there is no apparent reason for interlocking Foster's sleeves 92', 98. In view of the absence of the two noted features of applicants' claimed invention, the Examiner has placed reliance upon the

disclosure of the Yang patent. However, no combination of these two patents would lead one of ordinary skill to the present invention for the following reasons.

The Examiner has stated his view to be that “it would have been obvious to a person of ordinary skill in the art to have incorporated the teaching of *Yang* to provide three telescoping sleeves on a pumping mechanism with the dispenser pump of *Foster*....” However, this statement is only relevant to the *pumping mechanism* of Foster (comprised of parts 56’, 16’ and 14’) and not to the surrounding sleeves 92’, 98. Furthermore, while it is necessary for a sealing connection to be provided between the pumping cylinders of Yang, such has no applicability to the surrounding sleeves 92’, 98 which merely have the function of “shielding the plunger 16’ from its exterior environment.” Still further, it is pointed out that Yang is directed to an air pump “used to inflate balls and tires” not “the dispensing of soaps and lotions” as is the case for Foster’s dispenser. This is relevant in that, air being a highly compressible fluid and needing to be compressed from atmospheric pressure to the required ball or tire inflation pressure, needs a much longer pump stroke to achieve that result in the number of required strokes (time and effort to inflate a ball or tire) is to be reduced. On the other hand, soaps and lotions are essentially incompressible liquids and typically only small quantities need to be dispensed at any given time, e.g., when washing one’s hands or applying a moisturizer, so that there is simply no need for a stroke anywhere near as long as would be required for an air pump and there is simply no evidence that a soap or lotion dispenser of the type disclosed by Foster would ever need to dispense so large a quantity as would require such a great increase in pump stroke as to warrant the cost of adding an additional pump cylinder to those existing in Foster’s pump mechanism.

As for the newly cited Martin patent, it was merely cited as a teaching to incorporate an annular seal onto the guide sleeve of Foster to sealingly guide the pump shaft. However, this feature has been removed from independent claim 19, and nothing in the disclosure of the Martin patent can in any way address the shortcomings in the Examiner’s proposed combination of the Foster and Yang patents pointed out above. Similarly, Callahan which is merely relied upon for a ball valve teaching and Balogh which is cited for the use a plastic material are incapable of making up for the inability of the Foster and Yang patents to render obvious applicants’ three sleeve arrangement or the use of discontinuous locking projections.

While the above comments all relate to the claims as finally rejected and warrant removal of the rejections relying upon the combination of the Foster and Yang patents even if this Amendment is not entered, in order to expedite the further prosecution of this application, independent claim 19 has been amended, as indicated above, to recite that the projections used to interlock the three sleeve parts discontinuously surround the entire periphery. Foster teaches that his sleeves 92', 98 do not need to be interlocked to serve their function. On the other hand, Yang teaches a sealed interlocking of sleeve sections of an air pumping mechanism (sealed pumping chambers prerequisite for all air pumps) and not for environmental shielding sleeves for protecting against water inadvertently splashed against the exterior of a soap or lotion dispenser. Thus, on the one hand, Yang provides no reason to provide interlocking projections on the sleeves 92', 98 of Foster, and on the other hand, if Yang did lead one of ordinary skill to do so, it would only be as continuous sealed rings, not as discontinuous ones. As a result, the amendments to claim 19 further distance the present invention even beyond those distinctions existing relative to the claims as finally rejected.

Accordingly, for all of the above reasons, the outstanding rejections under § 103 should be withdrawn and such action is hereby requested.

Therefore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or any new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,



David S. Safran
Registration No. 27,997

Customer No. 25570
Roberts Mlotkowski Safran & Cole, P.C.
PO Box 10064
McLean, VA 22102
Direct Telephone (703) 584 3273